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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

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UNITED STATES OF AMERICA

Plaintiff

v.

ROBERT G. LUSTIYK, JR., MICHAEL L.  
TAYLOR, and JOHANNES W. THALER

Defendants

Criminal No. 2:12-cr-00645 (TC)

Honorable Tena Campbell

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**DEFENDANTS' JOHANNES THALER AND ROBERT LUSTYIK'S  
JOINT MOTION TO ENJOIN**

Defendants Johannes Thaler and Robert Lustyik (hereinafter collectively "Defendants") hereby move this Honorable Court to Enjoin the Government from uploading any and all material that was suppressed by this Court back into their Relativity database. As grounds in support of their Motion, Defendants state the following:

1. On March 11, 2014, the Court Ordered that the Government suppress certain documents that were seized from the Defendants.

2. On March 26, 2014, The Government filed a Notice [617] with the Court that they had removed the suppressed materials from the database yet they still allowed their “filter team” to keep a copy of said documents. Defendants first argue that this is in complete contradiction of the Court’s Order and Defendants argue that the Government should not have retained any copies of the suppressed documents.
3. In its Response to Defendants’ Motion to Continue [640], the Government now requests that it be allowed to upload the suppressed information back into the Relativity database so that it could potentially be re-reviewed by the Government yet again after this Court has already suppressed said documents.
4. The Government in its Response also states that it is re-searching the Relativity database again in an attempt to locate any further potentially classified information that the Government has mistakenly turned over in unclassified discovery. Yet, in its Order [610] issued on March 11, 2014, this Court stated clearly that, “The court also orders that the Government cease further searches of the Relativity database unless it obtains a new search warrant.” [Dkt. 610, p. 31]. Defendants have received no notice of any further search warrants that were obtained by the Government and as such they are in clear violation of this Court’s Order.

WHEREFORE, Defendants respectfully request the following relief:

- A. That this Court Enjoin and Restrain the Government from uploading the previously suppressed materials into the Relativity database;
- B. That this Court Order that the Government remove and destroy any of the suppressed materials that it is still in its possession whether it be the prosecution or the “filter team”.

- C. That the Government be enjoined and restrained from performing any more searches on the Relativity database without a warrant, as previously Ordered by this Court;
- D. That the Government be required to provide a list of every document that it has searched in the Relativity database since this Court's March 11, 2014 Order and if no warrant was obtained by the Government to perform these searches, that each and every documents that was searched by the Government without a search warrant also be suppressed pursuant to this Court's Order;
- E. That the Court award any other relief that it deems just.

Respectfully submitted,

Johannes Thaler  
By his attorney,

/s/ Daniel Calabro, Jr.  
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Robert Lustyik, Jr.,  
By his attorney,

/s/ Raymond Mansolillo, Esq.  
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**CERTIFICATION**

I hereby certify that on the 15th day of May, 2014, I filed this Response electronically through the CM/ECF system for the Utah Federal District Court.

/s/ Daniel Calabro